

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: WORLD TRADE CENTER
DISASTER SITE LITIGATION

ROBERT GALVANI AND DIANE
GALVANI,

Plaintiff,

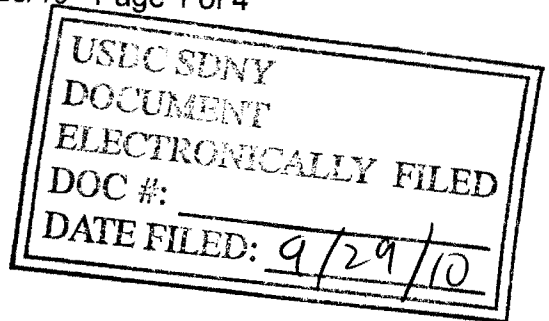
v.

CITY OF NEW YORK; PORT AUTHORITY
OF NEW YORK AND NEW JERSEY; A
RUSSO WRECKING, INC.; ABM
INDUSTRIES, INC.; ABM JANITORIAL
NORTHEAST, INC.; AMEC
CONSTRUCTION MANAGEMENT, INC.;
AMEC EARTH & ENVIRONMENTAL,
INC.; ANTHONY CORTESE SPECIALIZED
HAULING LLC; ATLANTIC HEYDT
CORP.; BERKEL & CO. CONTRACTORS,
INC.; BIG APPLE WRECKING &
CONSTRUCTION CORP.; BOVIS LEND
LEASE LMB, INC.; BREEZE CARTING
CORP.; BREEZE NATIONAL INC.; BRER
FOUR TRANSPORTATION CORP.; BURO
HAPPOLD CONSULT ENG. P.C.; C. B.
CONTRACTING CORP.; CANRON
CONSTRUCTION CORP.; CORD
CONTRACTING CO., INC.; DAKOTA
DEMO TECH; DIAMOND POINT
EXCAVATING CORP.; DIVERSIFIED
CARTING, INC.; DMT ENTERPRISE, INC.;
EAGLE LEASING & INDUSTRIAL
SUPPLY; EAGLE ONE ROOFING
CONTRACTORS, INC.; EJ DAVIES, INC.;
EN-TECH CORP.; EVERGREEN
RECYCLING OF CORONA; EWELL W.
FINLEY, P.C.; EXECUTIVE MEDICAL
SERVICES, PC; FLEET TRUCKING, INC.;
FRANCIS A. LEE COMPANY, A
CORPORATION; FTI TRUCKING;
GILSANZ, MURRAY & STEFICEK, LLP;
GOLDSTEIN ASSOCIATES CONSULTING
ENGINEERS, PLLC; HALLEN WELDING
SERVICE, INC.; HP ENVIRONMENTAL;

21 MC 100 (AKH)

Civil Action No. 05cv10740

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT BASED
ON STATE
AND FEDERAL IMMUNITY
AGAINST PLAINTIFF
ROBERT GALVANI AND DIANE
GALVANI**



*Motion denied as
most in light
of ~~settling~~ Settlement
Process Agreement and
proceedings in relation
there to.
9-29-10
[Signature]*

KOCH SKANSKA, INC.; LAQUILLA
CONSTRUCTION INC.; LASTRADA
GENERAL CONTRACTING CORP.;
LESLIE E. ROBERTSON ASSOCIATES
CONSULTING ENGINEERS PC; LIBERTY
MUTUAL GROUP; LOCKWOOD,
KESSLER & BARTLETT, INC.; LUCIUS
PITKIN, INC.; LZA TECH - DIV OF
THORNTON TOMASETTI; MANAFORT
BROTHERS, INC.; MAZZOCCHI
WRECKING INC.; MERIDIAN
CONSTRUCTION CORP; MORETRENCH
AMERICAN CORP.; MRA ENGINEERING,
PC; MUESER RUTLEDGE CONSULTING
ENGINEERS; NACIREMA INDUSTRIES,
INC.; NEW YORK CRANE & EQUIPMENT
CORP.; NICHOLSON CONSTRUCTION
CO.; PETER SCALAMANDRE & SONS,
INC.; PINNACLE ENVIRONMENTAL
CORPORATION; PLAZA CONSTRUCTION
CORPORATION; PRO SAFETY SERVICES,
LLC; PT&L CONTRACTING CORP.;
ROBERT SILMAN ASSOCIATES; ROBERT
L. GEROSA, INC.; RODAR ENTERPRISES
INC.; ROYAL GM INC.; SAB TRUCKING
INC.; SAFEWAY ENVIRONMENTAL,
CORP.; SEASONS INDUSTRIAL
CONTRACTING; SEMCOR EQUIPMENT
AND MANUFACTURING CORPORATION;
SILVERITE CONTRACTORS
(CONTRACTING CORPORATION);
SIMPSON, GUMPERTZ & HEGER, INC;
SKIDMORE, OWINGS & MERRILL LLP;
SURVIVAIR; TISHMAN INTERIORS
CORPORATION; TISHMAN
CONSTRUCTION CORPORATION OF
MANHATTAN; TISHMAN
CONSTRUCTION CORPORATION OF
NEW YORK; THORNTON TOMASETTI
GROUP; TORRETTA TRUCKING, INC.;
TOTAL SAFETY CONSULTING LLC;
TUCCI EQUIPMENT RENTAL CORP.;
TULLY CONSTRUCTION CO., INC.;
TURNER CONSTRUCTION COMPANY;
ULTIMATE DEMOLITION/CS HAULING
(JOINT VENTURE); VERIZON NEW

YORK, INC.; VOLLMER ASSOCIATES
LLP; WEEKS MARINE, INC.;
WEIDLINGER ASSOCIATES
CONSULTING ENGINEERS PC; WHITNEY
CONTRACTING, INC.; WOLKOW
BRAKER ROOFING CORP.; CANTOR
SEINUK GROUP; YANNUZZI & SONS,
INC; YONKERS CONTRACTING
COMPANY, INC; YORK HUNTER
CONSTRUCTION, LLC; ZIEGENFUSS
DRILLING, INC.,

Defendants.

PLEASE TAKE NOTICE that on a day to be determined by this Court, Defendants the City of New York and certain Contractors¹ shall apply to the Honorable Alvin K. Hellerstein, U.S.D.J., at the Southern District of New York located at 500 Pearl Street, New York, New York, Room 14-D for an Order for summary judgment dismissing with prejudice the claims of Plaintiff Robert Galvani pursuant to Fed. R. Civ. P. 56.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, the City and certain Contractors rely upon the attached *Memorandum in Support of Motion for Summary Judgment on Based on State and Federal Immunity Against Plaintiffs Robert and Diane Galvani, Certification of James E. Tyrrell, Esq., and Fed. R. Civ. P. 56 and L. Fed. R. 56.1(a) Statement of Undisputed Material Facts in Support of Motions for Summary Judgment Based on State and Federal Immunity*, dated February 16, 2010.

Dated: February 16, 2010

¹ See Addendum A for a complete list of moving Defendants.

/s/ James E. Tyrrell, Jr.

James E. Tyrrell, Jr. (JT 6837)
PATTON BOGGS LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 246-5100

-and-

One Riverfront Plaza, 6th Floor
Newark, New Jersey 07102
(973) 848-5600
*Attorneys for Defendants The City of New York
and the Contractors*